

REMARKS

The Specification has been amended to use the proper format for the registered trademark ROUNDUP and to provide clarity. Applicant has amended paragraph [0120] of the Specification to correct a typographical error. The Specification has been amended to include the ATCC Accession number. A copy of the ATCC deposit receipt is attached. Applicant has amended claims 1, 3-6, 10, 12, 14-15, 18, and 20-29. Claim 30 has been added. These changes have been made to place the claims in better form for examination and to further obviate the 35 U.S.C. §112 rejections as set forth in the Office Action dated August 15, 2006. It is believed that none of these amendments constitute new matter. It is submitted that these amendments obviate the rejections. Withdrawal of these rejections are respectfully requested.

The Examiner has objected to claims 1, 6, 22, 23, and 28 for containing a blank line where the ATCC accession number should be. Applicant has added the ATCC accession number to claims 1, 6, 22, 23 and 28. Withdrawal of this objection is respectfully requested.

The Examiner has objected to claim 28, line 2. Applicant has amended claim 28 as suggested by the examiner. Withdrawal of this rejection is respectfully requested.

The Examiner has rejected claims 1-29 under U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the Examiner has rejected claims 1, 6, 22, 23, 24, 28, and 29 for being indefinite for the recitation "SG4911NRR". Applicant has added the ATCC Accession Number to claims 1, 6, 22, 23, and 28. Withdrawal of this rejection is respectfully requested.

The Examiner has rejected claims 1-29 under §112, first paragraph, as failing to comply with the enablement requirement. Applicant has amended claims 1, 6, 22, 23, and 28 to include the ATCC Accession Number. Additionally, the undersigned avers that:

- a) access to the invention will be afforded to the Commissioner during the pendency of the application;

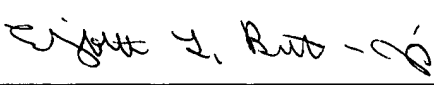
- b) all restrictions upon availability to the public will be irrevocably removed upon the granting of a patent;
- c) the deposit will be maintained in a public depository for a period of 30 years or 5 years after the last request or for the enforceable life of the patent, whichever is longer;
- d) a test of the viability of the biological material at the time of deposit was performed; and
- e) the deposit will be replaced if it should ever become inviable or when requested by ATCC.

Accordingly, withdrawal of this rejection is respectfully requested.

The Examiner has rejected claims 23-29 under 35 U.S.C. §112, first paragraph, because the specification does not reasonably provide enablement for the claimed methods when fewer than a fourth backcross progeny plants are produced. Applicant has amended claims 23 and 28. Withdrawal of this rejection is respectfully requested.

Applicant has submitted in a separate document the Request for Information under 37 C.F.R §1.105, in which the information is a Trade Secret.

In view of the above amendments and remarks, it is submitted that the claims satisfy the provisions of 35 U.S.C. §112. Reconsideration of this application and an early notice of allowance are respectfully requested.

SIGNATURE OF APPLICANT, ATTORNEY OR AGENT REQUIRED					
NAME AND REG. NUMBER	Elizabeth L. Bennett-Jarvis, Reg. No. 53,982				
SIGNATURE			DATE	November 9, 2006	
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**BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF
THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE**

INTERNATIONAL FORM

**RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT ISSUED PURSUANT TO RULE 7.3
AND VIABILITY STATEMENT ISSUED PURSUANT TO RULE 10.2**



To: (Name and Address of Depositor or Attorney)

Jondle & Associates P.C.
ATTN: Kenyon L. Schuett
858 Happy Canyon Road, Suite 230
Castle Rock, CO 80108

Deposited on Behalf of: Soygenetics, LLC

Identification Reference by Depositor:

Soybean Glycine max (L.): SG4911NRR

Patent Deposit Designation

PTA-7707

The seeds were accompanied by: ☒ a scientific description ☐ a proposed taxonomic description indicated above. The seeds were received July 7, 2006 by this International Depository Authority and have been accepted.

AT YOUR REQUEST: ☒ We will inform you of requests for the seeds for 30 years.

The seeds will be made available if a patent office signatory to the Budapest Treaty certifies one's right to receive, or if a U.S. Patent is issued citing the seeds and ATCC is instructed by the United States Patent & Trademark Office or the depositor to release said seeds.

If the seeds should die or be destroyed during the effective term of the deposit, it shall be your responsibility to replace them with viable seeds of the same.

The seeds will be maintained for a period of at least 30 years from date of deposit, or five years after the most recent request for a sample, whichever is longer. The United States and many other countries are signatory to the Budapest Treaty.

The viability of the seeds cited above was tested July 28, 2006. On that date, the seeds were viable.

International Depository Authority: American Type Culture Collection, Manassas, VA 20110-2209 USA.

Signature of person having authority to represent ATCC:

Dee Bishop, ATCC Patent Depository

Date: August 4, 2006

Ref: Docket or Case #: 1379-011